

1#

FILED

OCT 22 2020

10-17-20 10:22:20

To Whom It May Concern,

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

I have just returned from Nashville General in Nashville, so let me explain the situation and why I want to take a lawsuit out on Clinical Solutions.

On 7-17-20 I rolled off the top bunk (bed) landing on the floor on the lower part of my back and the left side of my face and head, causing a filling to come out of the back tooth on the left side of my face. I put in a sick call request to see nurse/doctor/dentist, about my back giving me problems that I was having a lot of pain from falling off my bunk onto the floor (at least 5 ft. high). Also that the filling had come out of my tooth, I also put a sick call form in to see the dentist.

I had put in 6 sick call forms in to see the dentist before 10-8-20 Lt. Hill and Sergeant Hawthins came to my cell seen my jaw and promised me they would make sure I seen a dentist, doctor, etc. On 10-9-20 around 5:30 to 6:00 A.M. 2 members of the Sort Team came and escorted me to the clinic. Dental assistant Mrs. Daughtery was the first to see me in the dental section when she seen my jaw she more or less flipped out. When the dentist came in and he seen how bad my jaw was swollen he questioned me why I hadn't put in a sick call to see a dentist sooner, I told him I had put 6 of them in since 7-17-20. Mrs. Daughtery told me they had only received the one that the NP had given them 2 days ago, that they hadn't received the other sick

cell phone I turned in to see the dentist about the situation with my tooth.

The dentist put me on 300mg of Clindamycin every 4 to 6 hours as needed and Tylenol (Acetaminophen 325mg) every 4 to 6 hours as needed. This was on the morning of Friday 10th 2020. On 10-14-20 I went back to see my regular Dentist Mr. Cook he was surprised of how bad it had gotten back in mind that on the morning of 10-9-20 I was given Clindamycin 150mg capsules but I was told to take 2 capsules (300mg) every 4 to 6 hours (which is a strong antibiotic) and Tylenol (Acetaminophen 325mg) which I took 2-650mg every 4 to 6 hours.

Dental assistant Mrs. Daugherty who was the first in dental to see me on 10-9-20 looked at my jaw (mouth) and asked me if I had been taken what the dentist had given me on 10-9-20, I told her yes, she said she really couldn't tell because it was obviously had gotten a lot worse. When the dentist who gave me the medicines to take came in and saw my jaw (mouth) from the infection in my abscessed tooth he also asked me if I had been taken what he had given me, I told him I had and I had run out of them on Tuesday the 13th.

After taking a X-Ray of the tooth Dr. Cook took the X-Ray to people in authority over him who could have sent me out to a hospital, so they told him to do what they thought would be best he sent me out to Nashville General Hospital.

General the first nurse and nurse assistants that seen my jaw (mouth) from where my abscess tooth had gotten infected they were shocked that I hadn't gotten ~~there~~ there sooner. I had 3 RN's, 4 nurse assistants, and 2 doctors in the ER I was lucky. When the RN's and Doctors asked me how far could I open my mouth when I showed them their next question was how I was eating anything because I could barely open my mouth a half inch. When I had explained the situation and I had been dealing with this problem for 5 weeks that really shocked them I told them I had brought to there attention the problem on 7-17-20, put a total of 6 sick call forms to see the dentist and I seen one (dentist) on 10-9-20 because Lt. Hill had them see me.

They had me admitted into the hospital on 10-14-20 - nurses / doctor - because the infection in my tooth had become a real serious problem. I was told that I was lucky because the infection had started to spread through out my body. I told them I had shown 5 nurses and at 5 to 7 officers my jaw here at Ironsdale Turner Correctional Center - Complex and they ignored me, but Lt. Hill and Sergeant Haubert when they saw my jaw got me seen by a dentist the next morning 10-9-20.

After 5 weeks of going through major pain from the abscess tooth and the infection that had built up on the inside of my mouth, a orthopedic surgeon operated on me and cut it out and at the same time cut a small hole inside of my mouth where the tooth had been and inserted a small like straw to where the rest of the infection (fluids) would drain out of my mouth, so

I still going through some pain which of course the orthopedic surgeon said I would because of the drainage that was still coming out of my mouth where he had to cut a hole in my mouth and put a small tube in which the drainage would come out of the side of mouth where the tooth was, but it isn't nearly as bad as it was.

I was told by some of the nurses, doctors, professionals I had every right to file a lawsuit against the medical staff here because like they said another week and the infection could have gotten to my heart and killed me. I've had enough different officers, staff members, and nurses that saw my mouth how swollen it was not counting the nurse assistants, nurses, and doctors at Nashville General in Nashville to witness to what they saw and how when I told the nurses here a couple of them made fun of me with a couple of officers, they didn't take me serious and if not for Lt. Hill and Sergeant Hawkins getting me called to be seen by a dentist on 10-9-20 things could have been alot worse.

When the nurses and doctors at Nashville General asked me if they were giving me any antibiotics and something for pain I told them I had went 4 weeks without getting anything until the dentist gave me something the morning of Friday 9th 2020 that also shocked them. When I told them that the medicines hadn't really done anything that the swelling in my mouth and jaw got worse that's when I was told that the situation with the closed tooth had gotten so bad no matter what I was put on it wouldn't help any, that they could tell I was going through

some major pain because of how the medical staff here at Trousdale ignored my sick calls and the problem I was having with the abscessed tooth.

Also on 9-16-20 I put in a grievance form about the situation, my grievance was returned to me as being a non-grievable situation, I kind of thought about that after being told by nurses, doctors at Nashville General I was lucky the infection hadn't made it to my heart yet really causing serious problems including the possibility it could have killed me. I do have the original grievance form with 2 grievance continuation forms still attached to it where the grievance board sent my grievance for back to me, rejected it, and said it was non-grievable even though I was told by professionals at Nashville General, not counting a dental assistant and 2 dentist here at Trousdale I was lucky it hasn't effected me worse.

Because of the medical negligence and refusal of medical attention I want to file a lawsuit against Clinical Solutions especially have physical proof of this situation taking place. Also here are some Federal and State cases in which had been taken to court.

"Dental care is one of the most important medical needs of inmates. Dental care of prisoners is governed by the same constitutional standard of deliberate indifference as in medical care. Dental care that consists of pulling teeth that can be saved is ~~and~~ constitutionally inadequate. Delays in dental care also violate the Eighth Amendment, particularly

if the prisoner is suffering pain in the interim, Prolonged deprivation of toothpaste can violate Eighth Amendment. One court has held that some minimal level of prophylactic dental care is constitutionally required.

Estelle v. Gamble, 429 U.S. at 105 (intentionally interfering with treatment once prescribed).

Greene v. Daley, 414 F.3d 645, 654 (7th Cir 2005) (treatment "so blatantly inappropriate as to evidence intentional mistreatment likely to seriously aggravate [plaintiff's] condition")

Adams v. Paag, 61 F.3d 1537, 1543-44 (11th Cir 1995) (medical treatment that is "so grossly incompetent, inadequate, or excessive as to shock the conscience" constitutes deliberate indifference.)

Hughes v. Joliet Correctional Center, 931 F.2d 425, 428 (7th Cir 1991) ("evidence that medical staff treated the plaintiff" not as a patient, but as a nuisance")

Fortfield v. Collum, 371 F.3d 454, 457 (8th Cir 2004)

Canell v. Bradshaw, 840 F. Supp. 1382, 1387, 1393 (D.Or. 1993), aff'd 17 F.3d 1458 (9th Cir 1996)

Fields v. Gander, 734 F.2d 1313, 1315 (8th Cir 1984)

Hunt v. Dental Dept., 865 F.2d 1118, 200 (9th Cir 1989)

#7

Hoptowit v. Ray, 682 F.2d 1237, 1253 (9th Cir 1982)

Ramos v. Lamon, 639 F.2d 559, 576 (10th Cir 1980)

Wynn v. Southward, 251 F.3d 588, 593 (7th Cir. 2001)

I have enough evidence that constitute my right to file a lawsuit against Clinical Solutions for medical negligence and refusal of medical attention by nurses. Its 10-17-20 and I am still having pain in my mouth and I can only open my mouth a little under 1 inch. I also am indigent but evidently will be able to pay off the fees for filling a lawsuit. I was lucky Lt. Hill and Sergeant Hawthorn made sure I got seen by a dentist - medical in the history of this prison some inmates was ignored by medical ~~and~~ and have died because of it.

I followed their grievance procedures and my grievance was rejected even though professional nurse assistants, nurses, doctor, a orthopedic surgeon.

I hope to receive a response from you soon I would greatly appreciate a response from you soon. The medical staff (nurse) would not give me my medication today so even by going to the hospital some of the nurses still refuse to do their job, bring me my medication I was put on.

Sincerely,

Anthony Hilkey

Anthony Huber #
T.T.C.C. AC-113
140 Mason Way
Hartsville, TN 37074

RECEIVED

OCT 22 2020

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

Eastern District of Tennessee
Office of
Clerk, United States District Court
800 Market St. Suite 130
Knoxville, TN 37902

37502-230330



NASHVILLE TN 370
20 OCT 2020PM 4 L



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
0000922120 OCT 19 2020
\$ 000.50
MAILED FROM ZIP CODE 37074